

**Zoning Board of Appeals
December 4, 2024, Regular Meeting**

STAFF REPORT

Subject: ZBA 24-0037; 630 South Ashley Street

Summary:

Marc Rueter, representing the property owner, is seeking a 26 foot two inch variance from Table 5.17-4 Mixed Use Zoning District Dimensions (attached). If the variance is granted it will allow construction of a two-story 544 square foot detached garage with accessory dwelling unit (ADU) in the rear yard. The property is zoned C2B, Business Service District and requires a minimum 30 foot rear yard setback when abutting residentially zoned property. The property is vacant with a current proposal to construct two single-family dwelling units connected by a garage. The property is within the Old West Side Historic District.

Background:

The subject property is located on the northwest corner of the intersection of South Ashley and West Mosley Streets. The site is currently vacant and was previously occupied by Armen Cleaners. In 2021, the Historic District issued a certificate of appropriateness to demolish the building. Since demolition, remediation has been completed to remove ground contamination.

Description:

The applicants are proposing to construct a duplex with an attached garage between the units, plus a detached garage with an accessory dwelling unit (ADU) above. Unit A will be approximately 2,552 square feet and Unit B will be approximately 2,587 square feet in area. Both units will be three stories in height. The ADU will be a two-story structure with vehicle parking on the first floor and a one bedroom apartment on the second floor. The two properties to the west are both zoned R2A (Two-Family Dwelling District). One of the properties is a duplex and the other is a single-family dwelling. The application received Historic District Commission approval on October 10, 2024.

Standards for Approval- Variance

The Zoning Board of Appeals has all the power granted by State law and by Section 5.29.12, Application of the Variance Power from the Unified Development Code (UDC).

The following criteria shall apply:

- (a). *That the practical difficulties are exceptional and peculiar to the property of the person requesting the variance and result from conditions which do not exist generally throughout the City.***

Applicant response: *"This property lies within a small, isolated zoning district (C2B) whose land uses have not substantially changed over many years. On the west*

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side the character of Ashley Street is of smaller scaled residential structures with accessory structures (garages) in the rear yards The street did not transition to a commercial character as was envisioned when this property was zoned. Despite the C2B zoning the block in which this property lies has retained all of the original small scaled residential structures. As this block is within the Old West Side Historic District, changes to massing and scale will be slow or not likely to happen at all. This variance is sought to help maintain this character of individual houses and independent garages.”

- (b). That the practical difficulties will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.**

Applicant response: “It is possible to develop this lot without a variance but comes at an environmental and neighborhood character cost. The development scheme would require a single large, raised building mass with parking underneath. The building would be located 30 feet from the rear lot line reducing buildable lot area that would require it to be considerably taller and of greater bulk than the adjacent residences. It would resemble the larger apartment buildings sprinkled throughout the Old West Side which were constructed before the adoption of the Old West Site Historic District.”

- (c). That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.**

Applicant response: “Allowing the variance will enable the creation of a more affordable Accessory Dwelling Unit within the Old West Side neighborhood of the city. As a measure of this project’s impact upon others whose property will be affected, the Historic District Commission. has approved unanimously a Certificate of Appropriateness for the scale and compatibility of the proposed project and its impact upon neighboring properties.”

- (d). That the conditions and circumstances on which the variance request is based shall not be a self- imposed hardship or practical difficulty.**

Applicant response: “Allowing the variance will enable the creation of a more affordable Accessory Dwelling Unit within the Old West Side neighborhood of the city. As a measure of this project’s impact upon others whose property will be affected, the Historic District Commission. has approved unanimously a Certificate of Appropriateness for the scale and compatibility of the proposed project and its impact upon neighboring properties.”

- (e). A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.**

Applicant response: “The Owner has not created a situation by his actions that it

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would make it more difficult to develop the property. It is rather the historic development patterns of this block and early City zoning decisions which assumed that the small residences would be torn down and replaced with businesses that were much different in scale and that would require large parking lots needing to be buffered from the houses to the west on First St. The C2B zoning may have been appropriate at that time when it was assumed that much of the area would be torn down and rebuilt. Later the Old West Side became a Historic District which in effect froze the scale and character of development. The C2B zoning provision, for which a variance is sought is an impediment to maintaining this character.”

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with a large "J" and "B".

**Jon Barrett- Zoning Coordinator
City of Ann Arbor**

TABLE 5.17-4: MIXED-USE DISTRICTS

Other use and development standards also apply and may supersede or effect the requirements in this table, such as Sections 5.16 Use Specific Standards, 5.18 Special Dimensional and Site Layout Standards, 5.19 Parking Standards and 5.20 Landscaping, Screening, and Buffering.

DISTRICT	MAX. FLOOR AREA	MAX. FAR	MIN. OPEN SPACE AND MAX. BUILDING COVERAGE (% LOT AREA)	REQUIRED SETBACKS		HEIGHT	LOT DIMENSIONS	
				FRONT	MIN. SIDE AND REAR		MIN. AREA	MIN. WIDTH
O	None	75%	None	Min: 15 ft. Max: 40 ft. [A]	30 ft. [C] when abutting R district, otherwise 0 ft.	Max: 55 ft. and 4 stories when within 300 ft. of abutting R zone, otherwise none.	6,000 sq. ft.	50 ft.
C1	8,000 sq. ft. (non-residential uses only)	100%	None	Min: 10 ft. Max: 25 ft. [A]	30 ft. [C] when abutting R district, otherwise 0 ft.	Max: 35 ft. and 3 stories	2,000 sq. ft.	20 ft.
C1B	None	150%	None	Min: 10 ft. Max: 25 ft. [A]	30 ft. when abutting R district, otherwise 0 ft.	Max: 50 ft. and 4 stories	3,000 sq. ft.	20 ft.
C1A	None	200%	None	None	Equal to minimum of abutting R district	None	None	None
C1A/R	None	300%	None	Min: 10 ft.	Equal to minimum of abutting R district	None	None	None
C2B	None	200%	None	Min: 10 ft. Max: 25 ft. [A]	30 ft. [C] when abutting R district, otherwise 0 ft.	Max: 55 ft. and 4 stories	4,000 sq. ft.	40 ft.

Section 5.16.6 (3)

In Mixed-Use and Nonresidential and Special Purpose Districts Accessory structures and accessory buildings are subject to the Area, Height, and Placement regulations of the zoning district in which they are located as provided in 5.17 Area, Height and Placement Regulations